



Victoria Government Gazette

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SPECIAL

Fisheries Act 1968

FISHERIES NOTICE No. 6/1996

Fisheries (Scallop—Ocean Fishery) Notice
No. 6/1996

I, Patrick McNamara, Minister for Agriculture and Resources, after consultation with the Victorian Fishing Industry Federation, make the following Fisheries Notice:

Dated 21 May 1996

PATRICK McNAMARA
Minister for Agriculture and Resources

Title

1. This Notice may be cited as the Fisheries (Scallop—Ocean Fishery) Notice No. 6/1996.

Objective

2. The objective of this Notice is to fix an open season and a catch rate limit (bag limit) for the taking of scallops from Victorian waters other than Port Phillip Bay and other specified waters.

Commencement

3. This Notice comes into operation on 1 June 1996.

Authorising provision

4. This Notice is made under section 80 of the Fisheries Act 1968.

Revocation

5. The Fisheries (Scallop—Ocean Fishery) (Close Season) Notice No. 4/1996 published in Special Government Gazette No. S15 on 1 March 1996, is revoked.

Definitions

6. "Act" means the Fisheries Act 1968;
"crate" has the same meaning as in the Fisheries (Scallop) Regulations 1995;
"sack" has the same meaning as in the Fisheries (Scallop) Regulations 1995.

Period when fishing is permitted

7. The holder of a scallop licence or a master fisherman operating a registered fishing boat for which an appropriately endorsed scallop licence has been issued under the Act may dredge for or take scallops from Victorian waters other than—

- (a) Port Phillip Bay; and
- (b) all waters west of longitude 146°E—
during the period commencing on 1 June 1996 and ending on 25 August 1996.

Catch rate limit (bag limit)

8. (1) the holder of a scallop licence or a master fisherman operating a registered fishing boat for which an appropriately endorsed scallop licence has been issued under the Act must not—

- (a) take from that boat from Victorian waters other than Port Phillip Bay; or
- (b) have on board that boat in or upon Victorian waters other than Port Phillip Bay—
more than the catch rate limit (bag limit) of scallops specified in sub-clause (2).

(2) For the purposes of sub-clause (1) the catch rate limit (bag limit) for the taking of scallops during the period commencing on 1 June 1996 and ending on 16 June 1996 is—

- (a) 20 crates of scallops; or
- (b) 53 sacks of scallops.

(3) For the purposes of sub-clause (1) the catch rate limit (bag limit) for the taking of scallops during each period of a fortnight commencing on 17 June 1996 is—

- (a) 20 crates of scallops per fortnight; or
- (b) 53 sacks of scallops per fortnight.

Penalty

8. Any person who contravenes this Notice is liable to a penalty of 20 penalty units.

Subordinate Legislation Act 1994
NOTICE OF PREPARATION OF
REGULATORY STATEMENT
Land Act Regulations 1996

Fees

Notice is hereby given under Section 11 of the **Subordinate Legislation Act 1994**, that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Land Act Regulations 1996.

The alternative for fees is to increase the fees to the level of full cost recovery. This alternative was rejected because the increase would be significant and thus place too high a burden on the public.

The objective of the proposed Regulations is to provide effective management measures for certain Crown land.

The RIS concludes that the proposed Regulations are the most effective means of meeting the objective.

The proposed Regulations—

Copies of the RIS and the proposed Regulations may be obtained by contacting George Wilson on (03) 9412 4520 or Grant Arnold on (03) 9412 4589 between the hours of 9 a.m. and 4 p.m. weekdays or may be collected from the NRE Information Centre, Ground Floor, 240 Victoria Parade, East Melbourne 3002.

- (a) provide accountability in the management of commons;
- (b) restrict the activities of the public on licensed water frontages in order to protect and conserve natural values;
- (c) prescribe necessary forms as required under the **Land Act 1958**; and
- (d) prescribe fees as required under the **Land Act 1958**.

Comments and submissions on the proposed Regulations and RIS are invited from the public. All comments and submissions must be in writing and must be received at the above address by 5 p.m. on 21 June 1996.

The RIS examined alternatives to the proposed Regulations as follows:

All submissions will be treated as public documents.

MARIE TEHAN
Minister for Conservation and
Land Management

Commons

Using a code of practice provides a similar framework for setting out the financial responsibilities of a common manager but this alternative was rejected because the code would not have any legislative basis for ensuring an appropriate level of financial accountability.

Crown Land (Reserves) Act 1978
ORDER GIVING APPROVAL TO GRANT OF
LEASE

Water Frontages

The first alternative is to require land owners to fence out licensed water frontages. This alternative was rejected as it would impose a significant financial burden on land owners in the purchase of materials and the costs of construction and the State would incur costs in management of the linear frontages. The cost of fencing out water frontages, in terms of impact on the farmers and the State, would be prohibitive and counter-productive.

Under Sections 17D and 17DA of the **Crown Land (Reserves) Act 1978**, I, Marie Tehan, Minister for Conservation and Land Management, being satisfied that there are special reasons which make granting a lease reasonable and appropriate in the particular circumstances and that to do this will not be detrimental to the use and enjoyment of an adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve the granting of a lease for the construction, maintenance and operation of an aquatower and associated works by Melbourne Parks and Waterways to Citipower, over the area of Albert Park in the City of Port Phillip described in the Schedule below and, in accordance with Section 17D (3) (a) of the **Crown Land (Reserves) Act 1978**, state that—

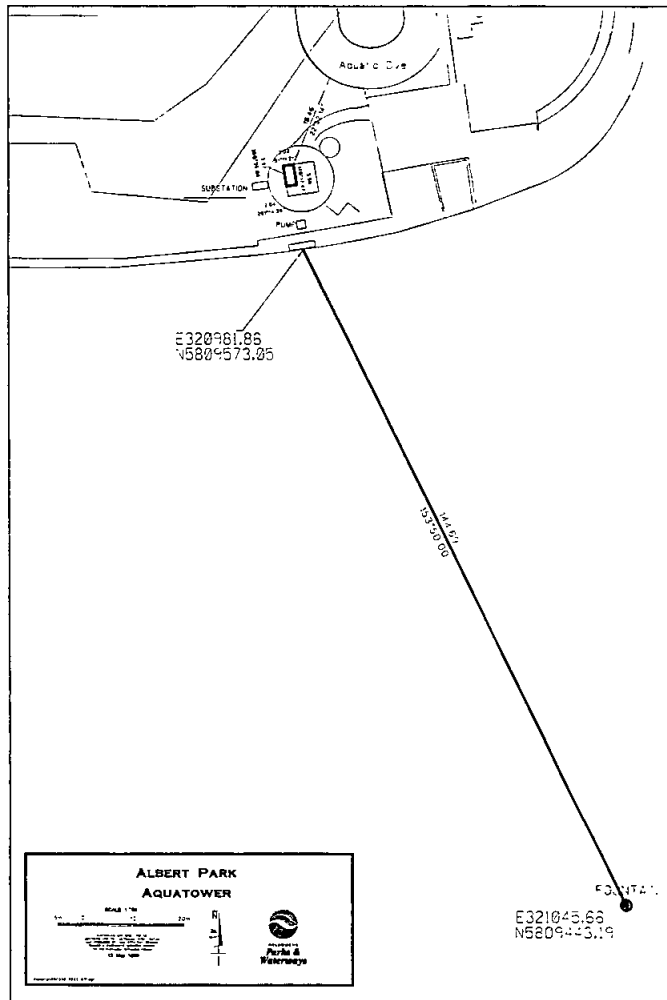
The other alternative of using a code of practice would provide similar restrictions on public activities on licensed water frontages as those proposed by regulation. This alternative was rejected because Regulations provide a deterrent to would be offenders by way of a penalty for offences.

- (a) there are special reasons which make granting the lease reasonable and appropriate in the particular circumstances; and

(b) to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**.

SCHEDULE

The lands shown in black bold on the following plan, being part of the land permanently reserved as a site for a Public Park by Order in Council dated 21 March 1876, and published in the Government Gazette on 21 March 1876, page 568.



Dated 20 May 1996

MARIE TEHAN
Minister for Conservation and
Land Management

Gazette Services

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